

REMARKS

Status of Claims

Claims 1-2 and 4-11 are pending, of which claims 1 and 11 are independent. Claim 11 has been withdrawn.

Claims 1, 10 and 11 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. The amendment is supported by, for example, paragraphs [0014], [0024], [0025], [0027] and [0044]-[0049], which describe unused charged batteries. Care has been taken to avoid introducing new matter.

Definiteness under 35 U.S.C. §112, first paragraph

Claim 10 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants submit that the amendment made to claim 10 overcomes this rejection. Amended claim 10 is the same as original claim 10 and is further supported by paragraph [0010] of the specification.

Patentability under 35 U.S.C. §103

Claims 1, 2, 3-8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 8-321328 in view of CN 2069172, Clough (US 6,506,522), Bunsh et al. (US 6,403,264) and Ruiz Rodriguez et al. (US 6,528,206). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 8-321328 in view of JP 63-244568. Applicants traverse these rejections for at least the following reasons.

As an initial matter, the rejection of claim 9 is erroneous because claim 9 depends upon claim 1. The combination of '328 and '568 would not render claim 9 obvious.

In rejecting claim 1, the Examiner asserts that '522 discloses the claimed concentration of sulfuric acid. Applicants disagree. The '522 reference discloses that the concentration of sulfuric acid can decrease from 30 to 40 wt% to 10 to 14 wt% when the discharge reactions occur in the lead acid battery (see, col. 4, lines 51-56 of '522). This means that the sulfuric acid concentration in the battery in a charged state is 30 to 40 wt%, but the concentration will decrease with discharging and in a discharged state, the concentration is 10 to 14 wt%. As such, it is clear that '522 does not disclose that the sulfuric acid concentration in a battery **in a charged state** is 7 to 27 wt%.

Further, if, *arguendo*, the electrolyte having sulfuric acid concentration of 10 to 14 wt % were used in '328, such an after-discharged concentration would not provide sufficient discharging performance required for functioning as a battery. Therefore, it would not be obvious for one skilled in the art to include the 10 to 14 wt% sulfuric acid of '522 in the battery of '328.

The present subject matter is characterized in that a battery in a charged state is stored under the conditions of a decreased amount of electrolyte and a lowered concentration of sulfuric acid, and thus is effective in preventing self-discharge that occurs while a battery in a charged state is stored over a long period of time. None of the cited references discloses or suggests such a problem and measures as set forth above.

Based on the foregoing, Applicants respectfully submit that claim 1 and all claims dependent thereon are patentable over the cited references. Thus, it is requested that the Examiner withdraw the rejections of the claims under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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